

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CLIFFORD DAMIANO,

Plaintiff,

v.

1:08-CV-1247
(FJS/GHL)

MICHAEL J. ASTRUE, in his official capacity as
COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

Defendant.

APPEARANCES:

LEGAL AID SOCIETY OF
NORTHEASTERN NEW YORK
Counsel for Plaintiff
112 Spring Street, Suite 109
Saratoga Springs, NY 12866

SOCIAL SECURITY ADMINISTRATION
Office of Regional General Counsel - Region II
Counsel for Defendant
26 Federal Plaza - Room 3904
New York, New York 10278

OF COUNSEL:

MARY MARTHA WASHINGTON, ESQ.

VERNON NORWOOD, ESQ.
Special Assistant U.S. Attorney

FREDERICK J. SCULLIN, S.D.J.:

DECISION AND ORDER

Presently before the Court is Magistrate Judge George H. Lowe's June 7, 2010 Report and Recommendation in which he recommends that the decision of the Commissioner of Social Security be remanded to the agency for further consideration, and the Court having reviewed the Report and Recommendation and the entire file in this matter and no objections to said Report

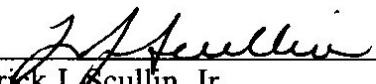
and Recommendation having been filed, the Court hereby

ORDERS that the Report-Recommendation filed by Magistrate Judge George H. Lowe on June 7, 2010 is, for the reasons stated therein, accepted in its entirety; and the Court further

ORDERS that the decision of the Commissioner of Social Security is **VACATED** and the matter is **REMANDED** to the agency for further consideration.

IT IS SO ORDERED.

Dated: June 25, 2010
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge